

**FILED**

UNITED STATES COURT OF APPEALS

DEC 06 2011

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

AMYLIN PHARMACEUTICALS, INC.,

Plaintiff - Appellant,

v.

ELI LILLY AND COMPANY,

Defendant - Appellee.

No. 11-55939

D.C. No. 3:11-cv-01061-JLS-NLS  
Southern District of California,  
San Diego

ORDER

Before: FERNANDEZ and CALLAHAN, Circuit Judges, and TIMLIN, Senior District Judge.\*

The parties' joint motion to voluntarily dismiss the appeal pursuant to Federal Rule of Appellate Procedure 42(b), filed after the issuance of our memorandum disposition, is **DENIED**. *See Okla. Radio Assocs. v. FDIC*, 3 F.3d 1436 (10th Cir. 1993) (citing cases).

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\* The Honorable Robert J. Timlin, Senior District Judge for the U.S. District Court for Central California, sitting by designation.